IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION 1123 OF 2004

Sudhir Kumar Jhumarlal Agarwal...Petitioner
Versus
The State of Maharashtra & Anr..Respondents

Mr. A.M. Sararogi, for the Petitioner
Mr. Vinod Mahadik, for Respondent No.2.

CORAM: F.I. REBELLO & S.P.KUKDAY, JJ.
DATE : 4TH MAY, 2005

P.C.:

1. The limited issue is whether the petitioner and others residing in the building can be charged water charges as commercial instead of being charges as residential. In respect of the very issue the petitioner herein has filed a suit being L.C. Suit No.4515 of 2002. It is the case of the petitioner that in that suit he has only challenged one bill. It is always open to the petitioner to amend the plaint by seeking a declaration that he and others situated like him are not entitled to be charged at commercial rates. If there be any difficulty in respect of future bills an interim relief can always be prayed for.

2. Considering that the petitioner have an alternative remedy which is already pursued this would not be a fit case for this Court to entertain the petition. It will be open to the petitioner to amend the suit as pending and seek all relief which he is entitled to. If an application for interim relief is taken out the trial Court to dispose it of as expeditiously as possible.

. With the above observations, petition stands disposed of.

(F.I.REBELLO, J.)

(S.P. KUKDAY, J.)